

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Abbott Laboratories, Inc.)	
)	
Plaintiff/Counterdefendant,)	
)	
v.)	C.A. No. 04-1251-GMS
)	
Bayer Healthcare LLC,)	
)	
Defendant/Counterclaimant.)	

[ABBOTT'S PROPOSED] ORDER OF DISMISSAL

NOW THIS ____ day of _____ 2005, having considered the parties' positions with respect to the form of dismissal for this action, and upon good cause shown,

IT IS HEREBY ORDERED THAT:

1. Abbott Laboratories' complaint against Bayer Healthcare LLC is hereby dismissed. This dismissal is with prejudice with respect to, and only with respect to, claims of infringement of U.S. Patents No. 5,576,215, 5,646,049, and 6,096,561 against Bayer's ADVIA Centaur product as manufactured, sold, or in public use in the United States prior to Abbott's filing of its complaint in this action on September 10, 2004;
2. All counterclaims by Bayer against Abbott in this action are dismissed without prejudice; and
3. Each side shall bear its own costs and attorneys' fees.

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE